

OREGON STATE BOARD OF BAR EXAMINERS

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Dear colleague:

The Oregon Supreme Court and Oregon State Bar Board of Bar Examiners (BBX) ask for your input on a matter related to the Rules for Admission to the Oregon State Bar.

In June 2022, the Oregon Supreme Court approved in concept the adoption of two new examination models for OSB admission. These models will give applicants a choice of how to demonstrate their competence to practice law in Oregon. Once these models are fully developed, approved, and implemented, an applicant for admission to the Bar will be able to demonstrate their competence to practice through the Uniform Bar Exam (UBE), the Supervised Practice Portfolio Examination (SPPE), or the Oregon Experiential Portfolio Examination (OEPE).

The decision to undertake admission reform was not made lightly. For the past three years, experienced practitioners and judges, members of the BBX, and interested stakeholders have worked together first to determine whether there were viable pathways beyond a standardized bar examination for a law school graduate to demonstrate competence to practice. Having concluded there were viable options, and having received Supreme Court approval of the options “in concept,” these stakeholders worked further to develop the programs in more detail. Oregon’s work takes place at the same time as many other states are undertaking significant reform to attorney licensure examinations and methods, and the Uniform Bar Exam itself is being reimaged by the National Conference of Bar Examiners. See **Expanding the Bar, OSB Bulletin, Feb/March 2023**.

Most recently, the BBX Licensure Pathways Development Committee (LPDC) has worked for the past nine months to develop the regulatory framework for these new examinations. The foremost guiding principle of the LPDC has been to ensure that the new examinations protect legal consumers by adequately measuring applicants’ competence to practice law while not placing unnecessary or inequitable barriers between an examinee and licensure.

The LPDC now seeks comment from OSB members and the public on the draft rules and regulatory framework for the first of the new examinations—the Supervised Practice Portfolio Examination (SPPE). The proposed rules and notes and explanations, linked below, provide significantly more detail, but at its highest level the SPPE combines a period of supervised hours of entry-level practice with a portfolio examination:

- Through the SPPE a qualified law school graduate can begin working for a qualified supervising attorney. The graduate will have a provisional license similar to a certified law student while in the program.
- The applicant will submit to the BBX a portfolio of work samples from their supervision period and the BBX will assess those work samples for competence.

- The applicant must submit at least eight written work samples, two assessments by their supervisor of negotiations, and two assessments by their supervisor of client counseling sessions.
- The BBX will review the written work samples to determine if each demonstrates the applicant's competence to practice law.
- An applicant cannot pass the examination until they have submitted eight pieces of written work deemed competent by the BBX, and certifications from their supervisor that the applicant has engaged in at least two negotiations and two client counseling sessions demonstrating their competence.
- In addition to completing and passing the portfolio examination by the BBX, the applicant must complete a minimum of 675 hours of legal work with their supervising attorney, submit a learning plan, pass the MPRE or an alternative professional responsibility assessment, complete the 15 hour Learning the Ropes CLE Program, and engage in 10 hours of activities related to access to justice or diversity equity and inclusion.

The LPDC is interested in your feedback on the proposed rules for the SPPE. We recognize that feedback from the OSB membership—as well as the public and other stakeholders—can only improve the work prior to finalizing the examination model. Because of this, the comment period will be an expanded 60 day period, from March 13 to May 12, 2023.

Once the public comment has been received, the LPDC will revisit these provisions, make any revisions it believes are appropriate in the light of the public comments, and forward its proposed rules to the BBX and eventually to the Supreme Court for further discussion and consideration.

A similar path of regulatory design accompanied by public comment will occur with the second model being developed: the Oregon Experiential Portfolio Examination (OEPE). The OEPE will offer students a rigorous experiential curriculum in their second and third years of law school, followed by submission of a portfolio of work to be examined by the BBX for admission to the bar. Initially, the OEPE—which is being developed in partnership with Oregon's three law schools—will be employed by law students attending those schools; with time, we anticipate law schools across the country will be in a position to certify that their curriculum meets the requirements of the OEPE.

The OEPE is still being developed by the LPDC. When the LPDC has completed a draft of the regulations related to this model, they will be shared for public comment before the LPDC makes its final recommendations to the BBX.

For more information and to review and comment on the draft rules for the SPPE, [click here](#).

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